

avoid burial sites there. They actually changed the route to make sure they avoided any sensitive sites.

The pipeline company and the Army Corps have documented dozens of attempts to engage with the Standing Rock Sioux Tribe to help identify historical resources and provide feedback in the planning process. Judge Boasberg, I might mention again, was appointed by the Obama administration. Judge Boasberg, a U.S. Federal court judge here in the District of Columbia, wrote: "The tribe largely refused to engage in consultations, and chose to hold out for more, namely the chance to conduct its own cultural surveys over the entire length of the pipeline."

Remember, the entire length of the pipeline goes all the way from North Dakota to Illinois. All right, let's go to the third chart. Further, I am going to put this up because the tribe appealed to the court to stop construction on the pipeline. The court said no. They have followed the law. They have done this appropriately.

I think here is a good quote from the judge's decision. Judge Boasberg wrote:

As it was previously mentioned, this Court does not lightly countenance any depredation of lands that hold significance to the Standing Rock Sioux. Aware of the indignities visited upon the Tribe over the last centuries, the Court scrutinizes the permitting process here with particular care. Having done so, the Court must nonetheless conclude that the Tribe has not demonstrated that an injunction is warranted here.

So the Judge says that he came into reviewing the Corps process trying to find if they had not covered all the bases properly. He came with a mindset to make sure they had exercised due diligence. He said they had.

In the spring of 2016, I helped arrange meetings between Colonel Henderson—COL John Henderson is the district director from Omaha, NE, for our district—and the Standing Rock Sioux Tribe, at the request of the Standing Rock Sioux Tribe. It was during these meetings that Army Corps Colonel Henderson imposed additional conditions on the pipeline, including a double-walled piping in response to tribal concerns about environmental safety. So he is now adding additional features after that consultation.

A tribal monitoring plan has also been required, which requires Dakota Access to allow tribal monitors at certain sites when construction is occurring. So he added even more conditions after further consultation. In July 2016, the Army Corps issued its final environmental assessment, which concluded with a "Finding of No Significant Impact" and "No Historic Properties Affected" determinations.

The environmental assessment establishes that the Corps made a good-faith effort to consult with the tribes and that it considered all tribal comments. In addition, Dakota Access has developed response and action plans. They will include state-of-the-art monitoring systems, shutoff valves and

other safety features to minimize the risk of spills and reduce or remediate any potential damage.

So, let's take a look at just some of these—just some of these. There are many of them. Again, it is at least 92 feet under the river. So if you had a break in the pipeline, it would have to come up somehow through almost 100 feet of bedrock—come up through 100 feet of bedrock somehow to get into the river.

But if you did have a rupture, you have automatic shutoff valves that are monitored 24 hours a day, 7 days a week. Remember that additional condition that the Corps added after consultation? It is a double-walled pipe. So it is a double-walled pipe.

These are just some of the safety features. In addition, the Army Corps required the company to implement numerous mitigation plans, including: One, an environmental construction plan; two, a stormwater pollution prevention plan; three, a spill prevention, control, and countermeasure plan; four, a horizontal directional drilling construction plan; five, a horizontal directional drilling contingency plan; six, an unanticipated cultural resources discovery plan; seven, a geographical response plan; eight, a facility response plan; and, nine, a tribal monitoring plan, among other measures. Those are just some of them.

So let's talk about the protests. The Obama administration's inaction on the final Federal easement crossing the Missouri River has created undue hardship and uncertainty for area residents, for private landowners, for our farmers and ranchers that live and work in the area, for tribal members, for construction workers who have been chased off the construction site by protesters, and certainly for our law enforcement personnel who have had to be out there day and night for months.

Now we have winter weather conditions. Recently, with a very severe snowstorm, you have really life-threatening conditions out there for somebody who is trying to camp out in the middle of winter. Since the protests started earlier this year, State and local agencies have been put to the test in maintaining public safety, which have been threatened by ongoing and often violent protest activity.

There have been instances of trespassing, vandalism, and theft. Construction equipment has been set on fire. Workers have been chased off the work site. Workers who were just trying to lawfully do their job were chased off the work site. Fires were started on privately owned ranchland. This is not on the reservation. It is on private land. Residents have endured the challenges caused by roads being blocked or closed, either by protest activity. They have shut down highways. Protest activities have shut down highways. Roads are being blocked or closed by protest activity that has shut down roads or by law enforcement's response to ensure safety, at a time when farm-

ers and ranchers are busy harvesting, hauling hay, shipping calves, and moving their herds from summer pastures.

In addition, law enforcement is investigating cases of butchered, mutilated, injured, and missing cattle, horses, and bison in areas adjacent to the site occupied by the protesters. Law enforcement has worked to protect everyone. Again, I will emphasize that. Law enforcement has worked to protect everyone. They have been patient, professional, and diligent. They have not used concussion grenades.

More than 500 protesters have been arrested for breaking the law, and over 90 percent of them are from out of State. Over 90 percent of the more than 500 protesters that have been arrested are from out of State, and many, if not most, are not Native American. They are environmental activists from other parts of the country. If you want more information on law enforcement, go to YouTube, "Know the Truth Morton County," which is a Web site that the Morton County Sheriff's Department uses to provide updates on their efforts to maintain law and order at the protest site.

The motto of law enforcement is to "serve and protect." That is exactly what they are doing. So in conclusion, in accordance with the findings of the Army Corps of Engineer's environmental assessment and the court decisions, the Army Corps needs to follow established legal and regulatory criteria and approve the final easement so that construction can be completed.

In addition, Federal resources should be deployed expeditiously to protect people and property in the area of violent protests to help support State and local law enforcement efforts.

As I said, this issue needs to be resolved. It is past time to get this issue resolved.

I yield the floor.

The PRESIDING OFFICER (Mrs. FISCHER). The Senator from New Hampshire.

#### CONTINUING RESOLUTION

Mrs. SHAHEEN. Madam President, I came to the floor this afternoon to talk about our failure, once again, to go through a regular appropriations process. I share what I know is a disappointment on the part of many of our colleagues that this Congress is choosing, once again, to disregard the regular appropriations process and resort to a short-term continuing resolution.

This will have serious negative impacts on our country's national security and on the economy. As ranking member on the Appropriations Subcommittee on Homeland Security, I applaud the chair of that subcommittee, Senator HOEVEN, who was just on the floor, for the bipartisan work that has gone on. But as I look at the potential impact on homeland security, our failure to get an appropriations bill will have serious negative consequences for

our Nation's emergency preparedness, for our transportation security, and for cyber security, just to name a few.

Closer to home in our local communities, it will hurt law enforcement as well as efforts to combat the opioid epidemic. At the beginning of this 114th Congress, the majority leader pledged to return the Senate to regular order. Now, translated into simple English for people who may be watching, regular order means doing our job and doing it the right way when it comes to the budget process.

It means meeting our Constitutional responsibility to produce an annual appropriations bill for the American people—legislation that will allow government at all levels and people from all walks of life to plan, to invest, to build, and to move our Nation forward. But instead, we are again being presented with an inadequate short-term stopgap bill, a continuing resolution that does not get the job done for the American people.

I applaud the Appropriations Committee chair, Senator COCHRAN, and our vice chair, Senator MIKULSKI, and the great work that has been done by all of the members of the Appropriations Committee. Senators COCHRAN and MIKULSKI have led the committee in a diligent good-faith effort to craft appropriations bills that meet our Nation's current needs and challenges, but unfortunately all those efforts will now be cast aside.

As Vice Chair MIKULSKI said yesterday, Republican leaders have decided to "procrastinate rather than legislate." This has brought us to the final days of the 114th Congress with no regular order and no annual appropriations bills. This has very serious consequences nationally as well as in our States and local communities. For example, just on homeland security, over the last year the Appropriations Subcommittee on Homeland Security has crafted a bipartisan bill to ramp up emergency preparedness at the local level to meet the rising threat of cyber attacks and to address challenges in transportation security, including at our airports. All of these improvements and gains will be lost for the time of the continuing resolution.

Over the last year, we have seen terrorist attacks in San Bernardino, Orlando, and sadly, just this last week, in Columbus, OH. Yet, because of the continuing resolution, the Federal Emergency Management Agency will be unable to award more than \$2 billion in homeland security preparedness grants to State and local governments. These are grants that allow States and local communities to plan and to practice their emergency response before disasters happen. That is how we cut response time, and that is how we save lives, but because of Congress's failure to do our jobs and pass annual appropriations bills, these preparedness grants will not be able to go forward.

Another area that is a critical national priority is cyber security. Last

year Federal agencies reported more than 77,000 cyber security incidents. Local businesses that own and operate much of the infrastructure, from banks to sewage systems, are under greater threat of cyber attack. Late last month hackers attacked the New Hampshire-based company of Dyn, which is part of the backbone of the Internet. This attack on Dyn took down large swathes of Internet all across the globe. Dyn responded admirably to the attack, but there will be more and more sophisticated attacks in the future. To address these challenges, our appropriations bill in Homeland Security tripled the number of Federal cyber security advisers, and it increased cyber security funds to harden systems in Federal agencies. But, again, because of the continuing resolution, all of these advances will be put on hold for the duration of the CR.

Of course, our Nation faces ongoing challenges in transportation security. To address increasing airline passenger volume and long security wait times, we have added nearly 1,400 transportation security officers, converted about 3,000 part-time officers to full-time status, funded 50 new bomb-sniffing K-9 teams, and added new screening equipment. To sustain these efforts through fiscal year 2017, the Transportation Security Administration needs a funding increase, but under the continuing resolution, these funds will not be available. This increases the prospect of staffing shortfalls, and it means that more and more Americans will be standing in long lines, angry and frustrated at airports across this country.

The damage done by the continuing resolution will be felt in each of our States and in communities all across America. This week I heard from the executive director of New Hampshire's Coalition Against Domestic and Sexual Violence, Lyn Schollett. She and her colleagues across New Hampshire are very troubled by the prospect of the continuing resolution. She told me that crisis centers, which are critical to help victims of domestic violence, will be stretched. They will have unpredictability that will make it even harder for programs to train and retain competent staff. It will affect their ability to serve victims of domestic violence across New Hampshire.

As a member of the Armed Services Committee, I am also very aware—as so many of us on that committee are—of the harmful effect of continuing resolutions on our military. Just yesterday I joined with other members of the Senate Navy Caucus to hear from the Chief of Naval Operations, ADM John Richardson. He pointed out that the Navy and all the other services have lived with 9 years of continuing resolutions. I want to say that again. Nine years of continuing resolutions. Nine years of not being able to count on a budget process that would allow them to plan. He talked about how this chronic budget chaos has been very costly. He said that military planners

now operate from the assumption that there will be a CR and that any planning for the first quarter of the fiscal year is rendered unreliable. Year after year, this has resulted in project delays, multiple contracting actions for the same work, and it winds up costing more. It winds up costing the taxpayers more, it winds up costing our military more, and it winds up having an impact on all of the missions we have asked our men and women in uniform to take on.

During the current continuing resolution period running through December 9, the Navy had planned to award \$24 billion in research and development contracts, but now, because of the CR, it will award only \$16 billion in contracts. In my home State of New Hampshire, the CR limits the ability of the Portsmouth Naval Shipyard—one of the four premier public shipyards in the country—to award contracts for critical infrastructure projects. This can interfere with submarine maintenance schedules, which then impacts the readiness of the submarine fleet. Again, I think it is important to point out that this costs us more. It doesn't save money to have a continuing resolution. That is a whole misunderstanding on the part of some people. It costs more.

Every Senator understands that our failure to pass a full-year appropriations bill for fiscal year 2017 will do serious harm to people in communities all across America. As I just said, as we have seen in past years, it is going to cost us more money.

The Constitution vests in Congress the profound responsibility to appropriate funds to meet the Nation's needs. We have a duty to do so in a timely and responsible manner.

I appreciate—I understand, based on news reports, that the reason we are going to a short-term continuing resolution is because the incoming administration says they want to put a stamp on government spending. Well, that is not the way the process is supposed to work. In future fiscal years, there will be the opportunity for the new administration to put their imprint on government spending. They will have a lot to do in the coming months of the new administration with the nominees and the process of vetting and approval of nominees and with new legislation. Why set up a budget battle 3 months into the new administration when we don't need to, when we have appropriations bills that have been through committee, in most cases have been agreed to by House and Senate negotiators, and we could move forward with that process, just as leadership of this body has committed to do?

At the beginning of this Congress, the Senate's Republican leaders pledged to restore regular order to the appropriations process. Instead, once again we are presented with a short-term stop-gap funding bill that shortchanges critical national needs and priorities. I believe the American people deserve better.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I see the distinguished Senator from Arkansas on the floor. I suggest we go to him next, but I ask unanimous consent that I be recognized when he finishes his comments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arkansas.

#### TRIBUTE TO JAMES A. ROSS

Mr. COTTON. Madam President, today I wish to recognize James A. Ross of Cotter as the Arkansan of the Week for exemplifying what it means to be a great Arkansan.

After serving in the U.S. Navy, Jim and his wife Mary Lou moved to Cotter in 1959 to raise their three boys because they saw Arkansas as a State that puts people first.

Jim worked as a carpenter and played a role in the construction of many buildings in Cotter, Mountain Home, and other areas in North Central Arkansas. Until his retirement, he worked tirelessly to ensure the success and stability of his family, his church, and his community.

Jim is a popular guy in Cotter. He has always been an active member of the community. He served as the Cotter school board secretary and worked to help build the current Cotter City Hall. Additionally, Jim has served as a deacon for First Baptist Church in Cotter for over 40 years.

Jim and Mary Lou have been married for over 64 years. Jim now spends his time enjoying his three children and a number of grandchildren and great-grandchildren. In fact, it was one of those grandkids, Cameron, who nominated Jim for Arkansan of the Week. In his nomination, Cameron wrote:

Jim's faith drives his every move, and at 86-years-old, he still gives as much back to the community as he possibly can. On any given day you can find him driving around town waving at passersby, or working in his garden in front of his green-and-brown house with sunflowers painted on it.

Cameron continued:

Jim Ross is a great Arkansan, not because he has done one major thing, but because he has done countless little things to further his city, his state, and his nation.

I couldn't agree more. Jim truly embodies what it means to be the Arkansan of the Week. We could all take a few lessons from him about commitment to faith, family, and community. Jim and Mary Lou came to Arkansas because they saw it as a State that puts people first, and it is people like Jim who make that recognition a reality.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

#### APPROPRIATIONS

Mr. LEAHY. Madam President, first, I should note how much I agree with

the senior Senator from New Hampshire and her comments about the appropriations process. I mentioned on the floor yesterday that in the Appropriations Committee, we reported 12 bills, including the State and foreign operations bill. It passed, 30 to 0. It and the other bills have now been put on a shelf to collect dust by the House Republican leadership. We will probably never get a chance to vote on them. By doing so, by deciding to put the government on autopilot and drafting another continuing resolution instead, they will reduce by almost \$500 million the amount that the Senate provided for fiscal year 2017 for the security of our diplomats and embassies abroad. It is very similar to what the House did when they refused to support the Senate's higher amount for embassy security prior to the Benghazi attack. They didn't want to admit it, as they spent tens of millions of dollars of taxpayers' money investigating the lack of security in Benghazi, blaming everyone but themselves. It will be interesting to see if they acknowledge that they are again cutting funds for embassy security.

#### PRESIDENT-ELECT'S BUSINESS DEALINGS

Mr. LEAHY. Madam President, on another matter, I have noted for months, actually for years, in the lead-up to the November 8 election, that congressional Republicans spent millions of taxpayers' dollars to air their unsubstantiated concerns about corruption at the highest levels of our government. If they were trying to get on television doing it, we might want to take a look at what they said. They said the Clinton Foundation should be dissolved, notwithstanding the amount of good work it is doing around the world. Every action, every meeting, every activity of the Clinton Foundation should be revealed, they said. We cannot allow such a foundation to run so close to the Oval Office, they said.

So it is ironic, sadly ironic, actually it is madly ironic, that since November 8, I have heard neither a shout nor a whisper from congressional Republicans echoing the same concerns about our President-elect's personal and profitable business dealings. No outrage that the President-elect's family may charge the American taxpayers millions of dollars to rent space for the Secret Service at Trump Tower. No demand that the President-elect—the chairman and president of The Trump Corporation—dissolve the interests he owns. Today we hear how the President-elect plans to address these conflicts of interest which he calls a “visual” problem rather than an ethical one. But unless he does what I and others have called for—divest his interest in and sever his relationship to the Trump Organization and put the proceeds in a true blind trust—it is nothing more than lipservice. Until we know more about what role his family

will have, both in his business interests and the government's operation under a Trump administration, no one should consider this serious concern as addressed.

And here is the duplicity of congressional Republicans' double standard. After years of partisan witch hunts and millions of wasted taxpayer dollars investigating bogus allegations against Hillary Clinton, and by extension the Clinton Foundation, if they fail to demand the same of Donald Trump that they demanded of her, they will, as E.J. Dionne said so eloquently in his column in the Washington Post, “be fully implicated in any Trump scandal that results from a shameful and partisan double standard.”

Madam President, I am hearing from Vermonters. They are worried. They are uncertain. Some of them are scared. Congress could do a great service to all our constituents if it led by example, not just by convenient spoken platitudes that might give you a few seconds on the evening news. If my colleagues want to actually be the leaders that they claim they are, do not start by validating an offensive and dangerous double standard. Have the same standard for Republicans as you do for Democrats. You can't condemn Democrats on something but say it is perfectly okay if Republicans do it. It doesn't work that way.

Madam President, I ask unanimous consent that the column from the Washington Post of November 27, 2016, by E.J. Dionne entitled “An ethical double standard for Trump—and the GOP?” be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 27, 2016]

AN ETHICAL DOUBLE STANDARD FOR TRUMP—AND THE GOP?

(By E.J. Dionne Jr.)

Republicans are deeply concerned about ethics in government and the vast potential for corruption stemming from conflicts of interest. We know this because of the acute worries they expressed over how these issues could have cast a shadow over a Hillary Clinton presidency.

“If Hillary Clinton wins this election and they don't shut down the Clinton Foundation and come clean with all of its past activities, then there's no telling the kind of corruption that you might see out of the Clinton White House,” Sen. Tom Cotton (R-Ark.) told conservative talk show host Hugh Hewitt.

Presumably Cotton will take the lead in advising Donald Trump to “shut down” his business activities and “come clean” on what came before. Surely Cotton wants to be consistent.

The same must be true of Reince Priebus, the Republican National Committee chair whom Trump tapped as his chief of staff. “When that 3 a.m. phone call comes, Americans deserve to have a president on the line who is not compromised by foreign donations,” Priebus said earnestly in a statement on Aug. 18.

Priebus, you would think, believes this even more strongly about a president whose enterprises might reap direct profits for himself or members of his family from foreign businesses or governments. Priebus must